

**IN THE CITY COUNCIL
FOR THE CITY OF HOOD RIVER, OREGON**

ORDINANCE NO. 2078

An Ordinance amending Title 8 (Health and Safety) Chapter 8.20 (Abandoned Motor Vehicles), Section 8.20.010 (Unlawful Storage of Vehicles within the Public Right-of-Way or on Public Property) and amending Title 10 (Vehicles and Traffic) Chapter 10.36 (Stopping, Standing and Parking), Section 10.36.020 (Prohibited Parking and Standing) of the Hood River Municipal Code, to prohibit parking or storage of a motor vehicle, recreational vehicle, trailer or personal property in the public right-of-way for more than one week.

The Hood River City Council finds as follows:

WHEREAS, Hood River regulates use of the public rights-of-way and public property, including parking and storage of vehicles and other personal property in several sections of the Hood River Municipal Code (HRMC), including Title 10 (Vehicles and Traffic) Chapter 10.36 (Stopping, Standing and Parking) and in Title 8 (Health and Safety) Chapter 8.20 (Abandoned Motor Vehicles); and

WHEREAS, while HRMC 8.20.010 currently prohibits storage of dilapidated and inoperable vehicles in the right-of-way, nowhere in the HRMC is there a general prohibition against the storage or parking of an otherwise operable motor vehicle, trailer or other personal property on city streets or public property; and

WHEREAS, in the past several years, the City has seen an increase in the number of vehicles, including recreational vehicles, trailers and other personal property, being parked for extended periods on city streets and public parking lots where the surrounding neighbors and businesses use and need that parking; and

WHEREAS, in an effort to strike a balance between the need for parking for an extended period of time and the need to prevent use of city streets and public property for the storage of private vehicles and personal property, the city desires to limit parking on city streets and on public property to a maximum of one week (168 hours), after which the vehicle, trailer or personal property must move; and

WHEREAS, the City Council considered an amendment to two sections in the HRMC – Chapter 8.20 (Abandoned Motor Vehicles) and Chapter 10.36 (Stopping, Standing and Parking) – at its regular meeting on June 26, 2023 to prohibit vehicle storage or parking on city streets for any period longer than one week without moving at least 2 blocks away; and

WHEREAS, the City Council scheduled such an amendment to HRMC Chapter 10.36 and Chapter 8.20 for consideration and a public hearing at its regular meeting on August 28, 2023, at which time the Council accepted all manner of testimony and public comment on the proposal.

NOW, THEREFORE, based on the foregoing findings, which are incorporated herein by this reference, the Hood River City Council Ordains as follows:

Section 1 – Repeal. Title 8 (Health and Safety) Chapter 8.20 (Abandoned Motor Vehicles), Section 8.20.010 (Unlawful vehicle storage designated – Time limit violation deemed misdemeanor) of the Hood River Municipal Code is hereby repealed in its entirety. The current, unamended HRMC 8.20.010 is set forth in Exhibit 1, attached hereto and incorporated by this reference.

Section 2 – Adoption. The following is hereby adopted as Title 8 (Health and Safety) Chapter 8.20 (Abandoned Motor Vehicles), Section 8.20.010 (Unlawful Storage of Vehicles in the Public Right-of-Way or on Public Property) of the Hood River Municipal Code:

8.20.010 Unlawful Storage of Vehicles in the Public Right-of-Way or on Public Property

(1) No person shall store or permit to be stored a motor vehicle, recreational vehicle, trailer, boat or personal property in a public right-of-way or on public property for a period in excess of one week (168 hours) without moving such motor vehicle, recreational vehicle, trailer, boat or personal property to a different location at least 1,000 feet away within each one-week period of time. It shall constitute prima facie evidence of unlawful storage in a public right-of-way or on public property if the motor vehicle, recreational vehicle, trailer, boat or personal property remains in the right-of-way or on public property longer than one week without being moved at least 2 blocks away from its original location. The City Manager, or designee may, at the Manager's (or designee's) discretion, issue an administrative permit for any motor vehicle, recreational vehicle, trailer, boat or personal property to remain in the same location in a public right-of-way or on public property for a specified period longer than one week. Any such permit shall be prominently displayed on vehicle or trailer.

(2) No person shall store or permit to be stored a motor vehicle, recreational vehicle, trailer, or boat in the public right-of-way if the vehicle's license plates are missing or expired or its registration sticker has expired.

(3) No person shall store or permit to be stored a motor vehicle, recreational vehicle, trailer, or boat in the public right-of-way if such vehicle is in a rusted or wrecked, dilapidated, partially dismantled or inoperative condition. It shall constitute prima facie evidence of a violation of this prohibition if a motor vehicle, recreational vehicle, trailer, or boat has one or more missing or flat tires, doors or windows that are broken, missing or open for more than one week (168 hours), the hood is open for more than one week, parts or equipment necessary to make the vehicle operable are missing, fluids are leaking from the vehicle, or personal property is stored under or on top of the vehicle.

(4) It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, either licensed or unlicensed, of any kind, for a period of time in excess of seventy two hours, which is in a rusted or wrecked or junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any private property within the city, unless the same is completely within an enclosure where it would not be visible from the street or adjacent property, or unless it is in connection with a business enterprise lawfully licensed by the city and properly operated in the appropriate business zone pursuant to the zoning laws of the city – and a violation of this chapter shall be a misdemeanor.

(5) A violation of this Chapter shall be a misdemeanor and a civil infraction.

Section 3 – Amendment. Title 10 (Vehicles and Traffic) Chapter 10.36 (Stopping, Standing and Parking), Section 10.36.020 (Prohibited Parking and Standing) of the Hood River Municipal Code is hereby amended to read as follows (new language is underlined):

10.36.020 Prohibited Parking and Standing.

In addition to the state motor vehicle laws prohibiting parking, no operator shall park, and no owner shall allow their vehicle to be parked:

- A. On a street in excess of an established time limit for parking on such street;
- B. Upon a bridge, viaduct or other elevated structure used as a street unless authorized;
- C. In an alley other than for the expeditious loading or unloading of persons or materials, but in no case for a period in excess of thirty consecutive minutes;
- D. Upon a parkway or freeway, except as authorized;
- E. With any of its wheels upon the parking strip.
- F. Upon a public right-of-way or on public property for a period in excess of one week (168 hours) without moving to a different location at least 2 blocks away within each one-week period of time, unless an administrative permit from the City Manager, or designee, is first obtained.

Section 4 – Severability. If any portion of this ordinance or the amendment to HRMC Chapters 8.20 or 10.36 adopted herein is determined to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance or the remaining chapters and provisions of the HRMC.

Read for the First Time on August 28, 2023.

Read for the Second Time and approved on _____, 2023.

This Ordinance shall take effect 30 days after the second reading.

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Paul Blackburn, Mayor

ATTEST:

Approved as to form:

Jennifer Gray, City Recorder

Daniel Kearns, City Attorney

Exhibit 1
Current, Unamended HRMC 8.20.010 and HRMC 10.36.020

8.20.010 Unlawful vehicle storage designated – Time limit violation deemed misdemeanor.

It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, either licensed or unlicensed, of any kind, for a period of time in excess of seventy two hours, which is in a rusted or wrecked or junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any public or private property within the city, unless the same is completely within an enclosure where it would not be visible from the street or adjacent property, or unless it is in connection with a business enterprise lawfully licensed by the city and properly operated in the appropriate business zone pursuant to the zoning laws of the city – and a violation of this chapter shall be a misdemeanor.

10.36.020 – Prohibited Parking and Standing. In addition to the state motor vehicle laws prohibiting parking, no operator shall park and no owner shall allow their vehicle to be parked.

- A. On a street in excess of an established time limit for parking on such street;
- B. Upon a bridge, viaduct or other elevated structure used as a street unless authorized;
- C. In an alley other than for the expeditious loading or unloading of persons or materials, but in no case for a period in excess of thirty consecutive minutes;
- D. Upon a parkway or freeway, except as authorized;
- E. With any of its wheels upon the parking strip.